

REMARKS

Independent claims 89, 111 each recites that “the protection path compris[es] a plurality of disjoint detours, each detour being operative for providing an alternative path for the worker data in a different part of the worker path in the event of a fault in the worker path”. This amendment is based on page 11 of the specification, lines 1-6.

In Andersson, a recovery path is a single path that is an alternative to a particular primary path. Where “recovery paths” (plural) are mentioned, Andersson is simply talking about the recovery paths for a number of primary paths. Nowhere in Andersson is it suggested that one recovery path should be formed of a plurality of disjoint detours. In contrast, Andersson discloses a system in which a single, continuous recovery path is calculated to protect each primary path. See Andersson Fig. 2 and corresponding description, and also page 6, paragraph [0064]. The recovery paths disclosed in Andersson can be followed continuously from one end (e.g., node A) to another (e.g., node C). That is not the case in the claimed invention, where the protection path is made up from a plurality of disjoint (i.e., not directly connected) detours, as shown for example in Fig. 4 of the application, in which it can be seen that detour 10, for example, is completely separate from detour 12. This feature is not disclosed or suggested in Andersson.

The provision of a protection path comprising a plurality of disjoint detours is beneficial, because it allows traffic to be easily switched back onto parts of the worker path when the location of a fault has been determined. Each independent claim requires “the protection means being operative for activating the entire plurality of detours to carry the worker data upon detection of a fault in the worker path, and the protection means being further operative for identifying the location of the fault, and for returning the worker data to a part of the worker path not affected by

the fault from at least one of the plurality of detours providing an alternative to that part of the worker path not affected by the fault, while those of the plurality of detours providing an alternative to parts of the worker path which are affected by the fault continue to carry the worker data”. Contrary to the Examiner’s assertion, Andersson does not disclose this feature. The Examiner is respectfully requested to re-read Andersson in light of the following comments.

Paragraphs [0041]-[0043] of Andersson describe that a network node typically computes various network routes which are maintained in a routing table. These routes are referred to as primary routes, and carry traffic during normal operation. The node also computes various recovery paths. Each primary path has a corresponding recovery path. If a primary path fails, then traffic on that path is switched onto its corresponding recovery path. If a primary path does not fail, then its traffic is not switched to a recovery path, but remains on the primary path (see paragraph [0048]). For the failed primary paths, the network node continues to use the recovery paths until it has calculated new primary paths. Then new recovery paths are calculated. Finally, traffic is switched onto the new primary paths. [See paragraphs [0054]- [0056] and Figs. 4, 5 and 6).

The Examiner asserts that Andersson discloses that traffic is switched back from a recovery path onto a primary path once a fault has been detected, and in particular the Examiner refers to paragraphs [0058] and [0100]. However, paragraph [0058] states that if a primary path has experienced a failure, then a new primary path is calculated for that path. Traffic is switched onto the new primary path from the recovery path. It is not switched back onto the original primary path, as required by the claimed invention. It is noted that if a primary path did not experience a failure, then its traffic would not have been switched to a recovery path in the first place (see paragraph [0048]). In that case, again, traffic would not be switched from a recovery path back onto a primary

path. This is clarified in paragraph [0100] which states “traffic affected by the failure flows over the recovery path, while the rest of the traffic remains on the primary paths defined by the routing protocols or traffic engineering before the failure occurred”. It is noted that the word “remains” means “stays” – that is, the traffic that “remains on the primary paths” has never left those primary paths.

In contrast, the claimed invention requires that traffic on a worker path be switched to a protection path (which comprises a plurality of disjoint detours) on detection of a fault. Once the location of the fault has been identified, traffic is switched back onto at least part of the same worker path (if that part is not affected by the fault) from the detour that protects that part of the path. The remaining detours continue to protect the parts of the worker path that are affected by the fault. Andersson does not disclose or suggest such a partial deactivation of a recovery path.

In view of the above, it is submitted that claims 89 and 111, and the claims dependent thereon, are both novel and inventive in view of the cited prior art, and that that application should now be in order for allowance.

The excess claims fee of \$1,200.00 is enclosed.

Petition is hereby made for a two-month extension of the period to respond to the outstanding Official Action to June 10, 2008. A check in the amount of \$460.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of the amendment, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

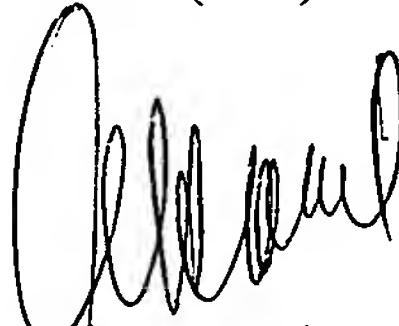
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A handwritten signature in black ink, appearing to read 'Alan Israel', with a large, stylized initial 'A'.

Alan Israel

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